

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHAWN WOODWARD,

Plaintiff,

v.

14-CV-856-RJA-MJR
ORDER

AFIFY, *et al.*,

Defendants.

On April 25, 2017, the Court affirmed Magistrate Judge Michael J. Roemer's Decision and Order, which granted in part and denied in part Plaintiff's motions to compel discovery and for subpoenas *duces tecum*. See Docket No. 96. Plaintiff has since filed a motion seeking permission to file an interlocutory appeal from the Court's April 25th Decision and Order. See Docket No. 103. The Court construes Plaintiff's motion as one filed pursuant to 28 U.S.C. § 1292(b). Section 1292(b) states that, "[w]hen a district judge . . . shall be of the opinion that [an interlocutory order] involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing." The court of appeals may, then, "in its discretion, permit an appeal to be taken from such order." *Id.*

Plaintiff has not shown, nor is it apparent, how either of § 1292(b)'s requirements is satisfied in this case. Indeed, because "discovery orders are generally collateral in nature, they will rarely satisfy these requirements." *In re von Bulow*, 828 F.2d 94, 98 (2d Cir. 1987). Plaintiff's motion is therefore denied.

SO ORDERED.

Dated: July 13, 2017
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE